

Appl. No. 09/808,553
Amdt. Dated September 29, 2005
Reply to Office Action of June 29, 2005

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Office Action dated June 29, 2005. In that action the Examiner: 1) rejected claims 22, 24 and 27 under 35 U.S.C. §112, second paragraph; and 2) rejected claims 21-36 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. App. No. 2002/0049903 ("Ussery") in view of U.S. Pat. No. 6,112,239 ("Kenner").

In this Response, Applicants amend claims 21, 22, 24, 26-27, 29, 32 and 34-35. Claims 21-36 are pending. Reconsideration and allowance of the pending claims is respectfully requested.

I. 35 U.S.C. §112, SECOND PARAGRAPH REJECTIONS

Claims 22, 25, and 27 were amended to correct typographical errors. Specifically, claim 22 replaces "the application element" with "the application server element". Claim 25 replaces "the user-specific data" with "said user-specific data". Claim 27 replaces "the one of the candidate servers" with "the candidate server".

The Examiner asserts that in claim 24, it is not clearly understood if the user-specific data belongs to "the user" or "another user". Applicants submit that "said user-specific data" of claim 24 relates to the "user-specific data" of claim 21. Neither of the claims 21 and 24 limits the user-specific data as belonging to "the user" or "another user" and Applicants believe such a limitation is unnecessary. Applicants submit that, as written, claims 22, 24, 25 and 27 meet the requirements of 35 U.S.C. §112, second paragraph.

II. §103 REJECTIONS

Claim 21 has been amended to include, inter alia, the step of "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server." In Ussery, any request by the user relating to data stored in respective databases 108 to 112 are passed through the database administrator 102 (see paragraphs [0053]-[0059] and Figures 1 and 2). Accordingly, Ussery fails to teach or suggest "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server" as required in claim 21. Likewise, Kenner fails to teach or suggest "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server" as required in claim 21. None of the references cited by the Examiner, nor combinations of the references, teaches or suggests the above limitation. For at least this reason, Applicants submit that claim 21 and all claims that depend from claim 21 are allowable.

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Claim 29 has been amended to include, inter alia, "a data upload to store the user-specific data at the second server is conducted directly between the first computer and the second server." As described above, Ussery teaches that any request by the user relating to data stored in respective databases 108 to 112 are passed through the database administrator 102. Thus, Ussery fails to teach or suggest "a data upload to store the user-specific data at the second server is conducted directly between the first computer and the second server" as required in claim 29. None of the references cited by the Examiner, nor combinations of the references, teach or suggest this limitation. For at least this reason, Applicants submit that claim 29 and all claims that depend from claim 29 are allowable.

III. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Given the various differences between the claimed inventions and the prior art, Applicants respectfully ask that the Examiner allow all the present claims and issue a notice of allowance in due course. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Conley Rose Deposit Account Number 03-2769 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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